

ORDINANCE NO. 20090618-078

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1301 SHOAL CREEK BOULEVARD FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A BUILDING IN THE 25 AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the construction of a field house at the House Park athletic facility located at 1301 Shoal Creek Boulevard within the 25 and 100-year floodplains as described in Site Plan Application No. SP-2009-0002CSX.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3, Building Code Appendix G, Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by this ordinance are the minimum necessary to afford relief, are based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variances granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. A variance is granted from:

- (A) the restriction on construction in the 25 and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*); and
- (B) the requirement that normal access to the building be by direct connection with an area at least one foot above the design flood elevation prescribed by City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*); and

PART 4. The variance granted in this ordinance is effective only if the applicant meets the following conditions:

- (A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 to the limits of the 100 year floodplain. The City may not issue a Certificate of Occupancy for the building until the applicant submits all information and documentation necessary for the easement, and

the easement as approved by the City Attorney is filed by the applicant in the Official Records of Travis County, Texas.

- (B) The applicant shall submit a completed Elevation Certificate to the City certifying the elevation of the finished floor of the finished structure, signed by a Texas registered professional land surveyor. The City may not issue a Certificate of Occupancy for the proposed commercial office building or stand alone parking garage until the applicant submits the Elevation Certificate.

PART 5. This variance expires if the project for which this variance is granted does not receive a released Site Plan and Building Permit before June 29, 2010.



PART 6. Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 7. This ordinance takes effect on June 29, 2009.

PASSED AND APPROVED

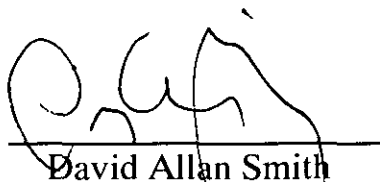
_____, June 18, 2009

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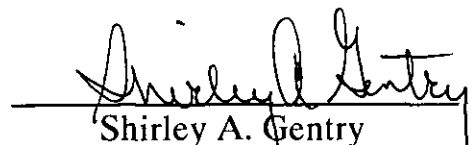



for Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk